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5 Attorneys for Defendant

JOHNNY RAY BURTON

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JOHNNY RAY BURTON, and
15 DAWN MCCANN

16 Defendants.

No. CR 12-0406 MMC

**STIPULATION AND ~~[PROPOSED]~~
ORDER CHANGING HEARING DATE
AND EXCLUDING TIME ~~[AMENDED]~~**

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20 The Court has set July 10, 2013 as the date for a further status hearing or a change of plea
21 in this matter. As per Judge Chesney's unavailability and the parties' pre-trial discussions, the
22 parties will be prepared for changes of plea or motions / trial setting in four weeks, on August 14,
23 2013.

24 The parties further request that time between these dates be excluded from any time limits
25 applicable under 18 U.S.C. § 3161, for the purpose of effective preparation. *See* 18 U.S.C. §
26 3161(h)(7)(B)(iv).

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28 STIPULATION AND [PROPOSED] ORDER CHANGING HEARING DATE AND EXCLUDING TIME
CR 12-0406 MMC, United States v. Johnny Ray Burton and Dawn McCann

1 SO STIPULATED:

2 MELINDA HAAG
United States Attorney

3 /s/

4 DATED: July 12, 2013

5 KEVIN J. BARRY
Assistant United States Attorney

6 /s/

7 DATED: July 12, 2013

8 JULIA MEZHINSKY JAYNE
Attorney for JOHNNY RAY BURTON

9 /s/

10 DATED: July 12, 2013

11 GEORGE BOISSEAU
Attorney for DAWN MCCANN

12
13 ~~PROPOSED~~ ORDER

14 For the reasons stated above, the Court sets a change of plea or motions / trial setting date
15 for August 14, 2013. It also finds that exclusion from the time limits applicable under 18 U.S.C. §
16 3161 of the period from July 10, 2013 through August 14, 2013, is warranted and that the ends of
17 justice served by the continuance outweigh the best interests of the public and the defendant in a
18 speedy trial. 18 U.S.C. §3161(h)(7)(A). The failure to grant the requested exclusion of time would
19 deny counsel for the defendant and for the government the reasonable time necessary for effective
20 preparation, taking into account the exercise of due diligence, resulting in a miscarriage of justice.
21 18 U.S.C. § 3161(h)(7)(B)(iv).

22 IT IS SO ORDERED.

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26 DATED: July 15, 2013

27 
THE HONORABLE MAXINE M. CHENEY
United States District Judge